

# Domestic Violence

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## Domestic Violence Facts

**In homes where domestic violence occurs, fear, instability, and confusion replace the love, comfort, and nurturing that children need. These children live in constant fear of physical harm from the person who is supposed to care for and protect them. They may feel guilt at loving the abuser or blame themselves for causing the violence.**

*"Domestic Violence, Understanding a Community Problem", National Woman Abuse Prevention Fund*

**In general, 70% of men who abuse their female partners also abuse their children.**

*Arbitrell Bowker and McFerron, "On the Relationship Between Wife Beating and Child Abuse", Feminist Perspective on Wife Abuse, Kersti Yllo and Michelle Bogard, eds. 1988*

**Nearly 70% of the children who go to shelters for battered women are victims of abuse or neglect.**

*Jean I Layzer, Barbara D. Goodson and Christine Delange "Children in Shelters", Response. Volume 9, Number 2, 1986*

**3.3 million children in the United States, between ages 3 and 17 years, are yearly at risk of exposure to marital violence.**

*Peter Jaffe, David Wolfe and Susan Kaye Wilson (1990) Children of Battered Women. Newbury Park. CA: Sage Publications*

**Studies of abused children in the general population reveal that nearly half of them have mothers who are also abused, making wife abuse the single strongest identifiable risk for child abuse.**

*Lenore Walker, Ed.d The Battered Woman Syndrome. New York: Springer Publishing Company, Inc. 1979*

**In 1992, an estimated 1,261 children died from abuse or neglect. This means that more than 3 children died each day in the United States as a result of maltreatment.**

*National Committee for Prevention of Child Abuse, 1993*

**In a study of juvenile offenders, 63% of those incarcerated for murder had killed the men who had beaten their mothers.**

*Peggy Sissel, Public Education Coordinator with the National Coalition Against Domestic Violence*

**A comparison of delinquent and non-delinquent youth found that a history of family violence or abuse was the most significant difference between the two groups.**

*Miller (1989) "Violence By and Against America's Children", Journal of Juvenile Justice Digest, XVII (12), p.6*



**Boys who witness family violence are more likely to batter their female partners as adults than are boys raised in non-violent homes.**

**Girls who witness their mother's abuse have a higher rate of being battered as adults.**

*"Battered Families.....Shattered lives", Georgia Department of Human Resources. Family Violence Teleconference Resources Manual, January 1992*

**Children in homes where domestic violence occurs are physically abused or seriously neglected at a rate 1500% higher than the national average in the general population.**

*National Woman Abuse Prevention Project, Washington D.C.*

**As violence against women becomes more severe and more frequent in the home, children experience a 300% increase in physical violence by the male batterer.**

*Strauss and R. Gelles, Physical Violence in American Families. 1990*

**Children from violent families can provide clinicians with detailed accounts of abusive incidents their parents never realized they had witnessed.**

*Peter Jaffe, David Wolfe and Susan Kaye Wilson (1990) Children of Battered Women. Newbury Park. CA: Sage Publications*

**Batterers may abduct their children as a way of retaliating against their former spouses or partners.**

**It has been estimated that in more than half of the kidnappings of children by parents in this country, the abductions occur in the context of domestic violence.**

**In most cases, parents who are searching for their child, abducted by the other parent, are white, female, have reported a history of domestic violence and are the custodial parent.**

*Geoffrey Greif and Rebecca Hegar, "When Parents Kidnap: The Families Behind the Headlines", 272, 1992*



**Sixty-two percent of sons over age 14 were injured when they attempted to protect their mothers from attacks by abusive male partners.**

**Interviews with children living in battered women's shelters show that, within a one year period, 176 of these children had stayed twice with friends or relatives, and 75% over age 15 had run away at least twice.**

*Maria Roy, Children in the Crossfire. 1988*

# Victims' Rights



If you have sustained physical injury as a direct result of a crime of violence, or are legally dependent for support upon a person who has sustained physical injury or death as a direct result of a crime of violence, or, in the event of a death caused by a crime of violence, you have legally assumed or voluntarily paid the medical or burial expenses incurred as a direct result thereof, you may qualify for indemnification by the State of California for the out-of-pocket wages, medical and/or burial expenses which you have incurred as a result of the crime. Section 13959 et seq. of the Government Code has established a program to indemnify a crime, suffered a pecuniary loss which they are unable to recoup without suffering serious financial hardship. Claims must be filed with the State Board of Control for the State of California within one year from the date of the crime.

As a victim you may qualify for up to \$46,000 of compensation under California's Victims of Crime Act. You can be compensated for out of pocket expenses for:

- medically related expenses
- job training or retraining exercises
- psychological counseling
- funeral and burial expenses
- lost wages

Requirements:

- You must file an application within one year of the crime (late claims may be accepted with good reason)
- You must report the crime to the police and cooperate with them in the investigation and prosecution of the case.
- Your actions must not have contributed to the crime causing the injury.

**NOTE:** Property losses are not covered under the Victims of Crime Act.

To apply: contact your local Victim/Witness Assistance Center (see below) or the State Board of Control, PO Box 3036 Sacramento, CA 95812 1-(800)777-9229. You will need to have the criminal report number available.

## **Victim/Witness Assistance Program**

The Victim/Witness Center may be able to help you with many of the difficulties victims encounter, including:

- emergency help obtaining food, shelter, and clothing
- referrals to community programs, including counseling
- help in filing compensation claims under the Victims of Crime Act
- guidance in dealing with the court process
- transportation to and from court, and even child care when you're in court
- assistance in recovering stolen property and obtaining restraining orders
- help in dealing with employers, medical care providers, and creditors

**Victim/Witness Center (209) 468-2500**

## Additional Victim Rights

### Orders for Relief

You have the right to go to the Superior Court and file a petition requesting any of the following orders for relief:

- An order restraining the attacker from abusing you and other family members
- An order directing the attacker to leave the house hold
- An order preventing the attacker from entering your residence, school, business, or place of employment
- An order awarding you or the other parent custody of or visitation with a minor child or children
- An order restraining the attacker from molesting or interfering with minor children in your custody
- An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so
- An order directing the defendant to make specified debit payments coming due while the order is in effect
- An order directing that either or both parties participate in counseling

### Civil Suit for Losses Suffered

You have the right to file a civil suit for losses suffered as a result of abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

### Restitution and Sentencing

As a victim, you may have the right to court-awarded restitution from the offender to cover financial losses. You must contact the prosecuting district attorney or the local probation department.

You have the right to appear at felony sentencing hearings to express you views on the crime and the appropriate penalty, including restitution.

At all felony cases, the probation department will invite you to make a victim impact statement which may include your financial losses.

You have the right to appear at parole hearings before the Board of Prison terms and the Youthful Offender Board.

To learn more about your rights concerning restitution and sentencing call **1-800-VICTIMS**